

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GODFREY ILONZO,
PETITIONER / DEFENDANT

V.

UNITED STATES OF AMERICA,
RESPONDENT

CRIMINAL ACTION NO.

1:12-CR-276-SCJ-1

CIVIL ACTION NO.

1:18-CV-2986-SCJ-JKL

MOTION TO EXTEND TIME TO RESPOND TO 28 U.S.C. § 2255 MOTION

The United States of America, by Byung J. Pak, United States Attorney, and Cassandra J. Schansman and Laurel R. Boatright, Assistant United States Attorneys for the Northern District of Georgia, hereby files this Motion to Extend Time to Respond to Godfrey Ilonzo's 28 U.S.C. § 2255 Motion to Vacate, Set Aside or Correct Sentence, and respectfully shows as follows:

Godfrey Ilonzo pleaded guilty to counts one and seventeen of the second superseding indictment, which charged him with conspiracy to distribute and dispense, and to possess with intent to distribute and dispense, Oxycodone, Oxycodone with Acetaminophen, Methadone, Hydromorphone, Hydrocodone with Acetaminophen, Alprazolam and Carisoprodol, not for a legitimate medical

purpose and not in the usual course of professional practice, and conspiracy to engage in money laundering. (Doc. 612). The district court sentenced Godfrey Ilonzo to 144 months of imprisonment. (Doc. 684). Ilonzo did not file a direct appeal. He is currently incarcerated with a projected release date of January 2, 2028. See Bureau of Prisons, <http://www.bop.gov> (last visited November 19, 2018).

Ilonzo filed the original 28 U.S.C. § 2255 motion on or about June 18, 2018. (Doc. 807). On July 2, 2018, Ilonzo filed a request to file a memorandum of law in support of his § 2255 motion, (Doc. 812). On July 12, 2018, the Court granted Ilonzo's request and ordered him to file the supporting memorandum by September 10, 2018. (Doc. 814). On August 6, 2018, Ilonzo filed another motion seeking leave to file an amendment to his § 2255 motion. (Doc. 818). On August 20, 2018, Ilonzo filed an additional motion for leave to file an amendment to the motion. (Doc. 821). After Ilonzo filed his amended motion with supporting memorandum, on September 25, 2018, the Court granted Ilonzo's previous motions to amend and ordered the government to respond to the motion within 60 days. (Doc. 828).

In his amended motion, Ilonzo raises at least four (4) grounds of ineffective assistance of counsel relating to both his guilty plea and sentence. (Doc. 824). While the transcript for Ilonzo's sentencing hearing has been transcribed, (Doc. 804), the transcript for the guilty plea hearing has not yet been transcribed.¹ In light of Ilonzo's amended claims implicating his guilty plea (including an allegation that his guilty plea was involuntary), the transcript from his guilty plea hearing is also needed in order for the government to provide a complete response. The government has ordered the transcript and respectfully requests an extension of time to respond to Ilonzo's motion.

The government requests that its response to Ilonzo's motion be due thirty (30) days from the date that the plea transcript is filed on the docket.

¹ Numerous transcripts relevant to pending appeals and § 2255 motions for Co-defendants Rosemary Ofume, Donatus Iriele, and Bona Ilonzo also were requested and transcribed during this same time period. Until recently, undersigned counsel for the Government did not realize that this single transcript had not yet been prepared.

Respectfully submitted this 19th day of November, 2018.

BYUNG J. PAK
UNITED STATES ATTORNEY
NORTHERN DISTRICT OF GEORGIA

/s/ Laurel R. Boatright
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CERTIFICATE OF COMPLIANCE AND SERVICE

I hereby certify that this document was prepared using Book Antiqua 13 point font, and that I have caused a copy of the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, and to be delivered to the following non-CM/ECF participant by depositing a copy in the United States mail in an envelope bearing sufficient postage for delivery:

Godfrey Ilonzo
63976-019
Fairton-FCI
P.O. Box 420
Fairton, NJ 08320

This 19th day of November, 2018.

/s/ Laurel R. Boatright
Laurel R. Boatright

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ORDER

This matter is before the Court for consideration of the Government's motion for an extension of time to respond to Defendant's motion to vacate his sentence. The Government's motion is granted. The Government's response shall be due 30 days after the plea transcript is filed on the Court's docket.

So ordered this _____ day of _____, 2018.

JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE

Prepared by
Laurel R. Boatright, Assistant United States Attorney